

FARMINGTON CITY – CITY COUNCIL MINUTES

MAY 4, 2021

WORK SESSION

Physically present :

*Mayor Jim Talbot,
City Manager Shane Pace,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,*

*Planning and GIS Specialist Shannon
Hansell,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell,
Police Chief Wayne Hansen,
and Fire Chief Guido Smith.*

Mayor **Jim Talbot** called the work session to order at 6:00 p.m. Councilwoman **Rebecca Wayment** offered the invocation.

Mayor Talbot asked that the City Council meeting on May 18, 2021, begin at 4 p.m. This will allow more time for the departmental budget presentations.

BUDGET PRESENTATIONS AND DISCUSSIONS

a. Paramedics program and property tax rates

City Manager **Shane Pace** said that presenting the budget to the City Council for the next two weeks will be like feeding them through a fire hose. However, this is necessary in order to meet the statutory dates put in place by law. The most important budgetary decision will be the funding of the paramedic services as the County ends their service and the cities and districts start to provide it. The Staff will present three options to fund paramedic services.

Mayor Talbot said this was not taken lightly, as it has taken **Pace**, the police chief and the fire chief two years of research to get to this point.

Pace said the budget has been built around the more conservative options, and every city is doing something different to fund their paramedic services. The Staff will present what it believes is the best option tonight, but the Council members will have to consider this from their political perspective.

Assistant City Manager/Economic Development Director **Brigham Mellor** said the last time Farmington raised fees was the transportation utility fee for \$3 per month. It was approved the winter before he started working for the City full time, and one of his first tasks on the job was to take calls from residents about this fee increase. He said Farmington has a highly educated constituency who understands the need to raise fees when presented with the facts. After he had explained that the money would be going to maintain roads before they were significantly in disrepair and needed replaced in their entirety, he said no one was mad afterward. He said this increase for paramedic services will be even less expensive than that transportation fee increase.

Mellor explained that there is a difference between an Emergency Medical Technician (EMT) and a paramedic. An EMT provides basic care and transport. A paramedic has advanced training, provides advanced life support, and has access to a broader range of life-saving, on-site medications. Farmington does not currently have a license for paramedics. If it is not provided by Davis County, Farmington does not have the authority to provide advance paramedic care.

Paramedic services have been underfunded for over two decades, and subsidized by the County. The \$210,000 collected by the County in taxes in 2019 funded only 38 percent of the annual tab, meaning the service is underfunded by over 62 percent. Now, with population and costs both increasing and the funding staying stagnant over the last 10 years, things have reached a breaking point. Crews can come from all over the County for any given call, and the industry standard holds them to responding with 8 minutes 90 percent of the time. Some 35 percent of all County calls are being responded to by a paramedic.

Mellor said that Farmington taking on paramedic services will be the single most important act of the Council members' tenures, as they are responsible for being the stewards of the City's health, safety and well-being.

Farmington's budget will have an added \$566,000 expense starting this year to start funding paramedic services. A tax transfer from the County will provide \$218,000 of that. It will take 11 cents per thousand dollars of residents' property values to fund this, although it needs to get closer to 33 centers per thousand of property value in the future.

Mellor presented three paramedic services funding options for the Council's consideration:

1. Option 1: Don't do anything and fund it with existing revenue. The County will drop their tax by 10 percent, and the issue can be kicked down the road for another Council and mayor to clean up. Adopting a service with no sustainable funding source means the budget will have to be cut from somewhere else to make up the difference. Davis County

is the fourth largest county in the state, and it has been subsidizing paramedic services for a long time. No other entity in the County is using this funding option.

2. Option 2: Transfer the County's tax rate to the City. He said the State Legislature is not going to let things be simple, as it will be defined as a tax increase. While it will look like an 11 percent tax rate increase in Farmington's taxes, the net impact is a 0 percent and \$0 increase because the County will be dropping their tax meant to fund paramedics at the same time. However, this will only fund 32 percent of paramedic services, necessitating drawing from somewhere else in the budget. Layton raised taxes this year for paramedic services, even though it has its own paramedic services and gets \$750,000 annually from the County's cut of taxes. Farmington Staff used Option 2 to prepare the budget for the upcoming fiscal year.
3. Option 3: Raise taxes to cover paramedic services. The net property tax increase would be 1.4 percent, or \$4.25 per month (\$51 per year) for the average home owner in Farmington. This would cover the entire expense. This is what the other cities and service districts are doing.

The average assessed value for a home in Farmington is \$351,000, which is not market value. After allowing a decrease due to a home being a primary residence, the average home as a taxable value of \$193,000. State law will require the increase to be reported to the public without compensating for the County's tax reduction. The City's portion will be going up 16 percent after subtracting the County's 10 percent. However, the State will require it to be reported as a 27.42 percent tax increase. Staff favors Option 3 as the best route.

Pace said the increase will increase the number of paramedic units in the County from 8 to 11, with one of those functioning in the Farmington station. Therefore, Farmington's service will improve dramatically.

The Staff prefers Option 3 as the best route. This would allow the City to fund paramedic services 100 percent right from the start, which is something they should have been doing for the last 20 years or more. In reality, the City will be lowering taxes by about 9.4 percent next year when the General Obligation (GO) Bond is paid off and debt service is done. So, in this case, for an average Farmington home, the City will raise taxes by \$51 per year initially (2022), then lower taxes the following year to \$27 per year when the GO Bond comes off. **Mellor** hopes to explain this to the public during Truth in Taxation hearings in August.

Fire Chief **Guido Smith** explained that tax revenue pays for services rendered to residents up until transport including supplies, education for existing paramedics, the vehicle, and costs for

driving the vehicle. The resident will be charged for services from the transport onward. If the resident is not transported, they will not see a bill.

Mellor said the \$566,000 is only for paramedics' salaries and ongoing expenses annually. The proposed tax increases are 250 percent less than annual inflation, he said. Farmington typically doesn't raise property taxes, while other cities like Syracuse raise taxes every year. Farmington has been fortunate to have an increase in sales tax revenues each year, but that is starting to plateau and not be enough to cover paramedic services.

North Davis Fire District is raising property taxes by 40 percent, which is the highest increase of all entities involved in Davis County's paramedic services. All other entities are planning to raise taxes, which gives Farmington the protection of the herd.

Finance Director **Greg Davis** said the recommended budget includes the \$225,000 property tax transfer from Davis County to try to cover the salaries of six paramedics. Another possible funding source is pulling \$464,000 from the Station Park Redevelopment Agency (RDA). That money had been contemplated to be used for roads.

Mellor said there was \$24 million budgeted for roads last year, with another \$12 million coming. About \$2 million to \$3 million is coming from impact fees, and another \$2 million to \$3 million is coming from the Wasatch Front Regional Council (WFRC). The Shepard Lane interchange is slated to cost \$45 million, and it came in at \$81 million from the Utah Department of Transportation (UDOT). If the RDA money is not used for roads, the only other way to pay for roads is through an increase in property taxes. He feels residents would rather have increased taxes for paramedic services than for a road through the business park.

Davis said the General Fund has \$14.713 million in expenditures, including payroll, etc. The Parks and Recreation Department has a \$1.1 million budget, while the Fire Department has a \$2.078 million budget. It will be a \$758,221 increase, or 7.4 percent, to cover paramedic services.

b. Fire

Smith said having paramedic services housed in Farmington is valuable, leading to an increased level of service for residents. Assets will stay in the City, and Farmington will have control of services provided to the community. Now the City will handle decisions such as the supervising medical control doctor. The department is looking for additional manpower. He hopes that Farmington continues to treat residents as their customers, having a small-town feel even though the City is providing big-city services and quality of care.

Smith said the fire engine that was purchased 10 years ago has a diesel motor max force engine that was discontinued in 2015 due to mass failure. The engine has 50,000 miles on it and has a motor that does not have a warranty and cannot get rebuilt. As it is now, it burns through a gallon of oil a week. The engine is best sold for parts at this point. It is more cost effective to get a new one.

Smith also mentioned that radios are an ongoing program with his department, which needs to update their communications. Last year everything was postponed due to the pandemic. He hopes to upgrade the handheld radios this year, and the vehicle radios next year.

c. Police

Davis said the Police Department's budget includes a \$3.39 million operating budget, \$41,000 in DUI liquor law funding, and \$14.7 million in expenditures.

Police Chief **Wayne Hansen** said he hopes to get \$15,000 in grants, a resource officer at the junior high, and an additional officer in July. His budget includes covering Festival Days and increases in both animal control and Spillman dispatch services. Half of the Spillman Software ongoing expense will be funded with the liquor law money. The budget also has a handgun swap-out every four years. The budget has laptops, equipment for the new officers, and a car camera for the new officer. The department also is budgeting \$3,500 for online anti-bias and de-escalation training following the state legislature mandating 32 hours of such training.

There will be an increase of \$25,000 to cover increasing ammunition costs while the department has to order ammunition months in advance and even borrow some from the sheriff. Farmington has eight rifles sitting in the office not issued to officers because of the difficulty to get ammunition. **Hansen** said the department tries to do four shoots per year, but has had to forgo that lately. He also would like to replace a lot of old police vehicles, including four of them to continue with a lease agreement.

Mayor Talbot said Station Park is critical to Farmington, as sales tax helps the City's budget. Developing retail has saved Farmington, which plans to also push the business park, which is critical to the financial well-being of the City. It will help sustain Farmington for the next 85 years, so Farmington won't have to do large property tax increases like Fruit Heights.

REGULAR SESSION

Physically present in Council Chambers:

*Mayor Jim Talbot,
City Manager Shane Pace,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,
Community Development Director Dave Petersen,
Associate City Planner Meagan Booth,*

*Planning and GIS Specialist Shannon Hansell,
Assistant City Manager/Economic Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad Boshell (via Zoom),
Mark Bell (filling in for City Attorney Todd Godfrey),
Fire Chief Guido Smith (via Zoom), and
City Lobbyist Eric Isom.*

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:06 p.m. This was the first time back live, in-person with an audience for over a year.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Councilman **Scott Isaacson** offered the invocation, and the Pledge of Allegiance was led by Councilman **Shawn Beus**.

Utah Youth Singers

Isaacson introduced the Utah Youth Singers. The group was founded in Farmington, includes singers from around Davis County, and started two months before the pandemic. His daughter plays the piano and directs the group. Since this was the Council's first time a public meeting in a long time, he thought it appropriate to celebrate with song. Dr. Melissa Mills is the founder and artistic director and Jackie Ward is the assistant conductor and accompanist. The group sang the piece "Shine a Little Light" for the Council.

PUBLIC HEARINGS:

Ordinance for Zone Text Amendment – Building Height and Elimination of Residential Use Types in the Transit Mixed Use (TMU) and Office Mixed Use (OMU) Zones

Community Development Director **Dave Petersen** presented this agenda item. The Planning Commission recommended approval of this item, which is a minimum five-story height along Interstate 15 (I-15). Since this has been memorialized in a Development Agreement, **Petersen** said it is wise to include on all properties along I-15 within 600 feet of the west boundary of the Union Pacific (UP) Right of Way (ROW). The integrity of the business park must be protected, and the area should not be flooded with assisted living centers, which should be removed as a used in the OMU Zone. Developers can still use the Section 140 process if there is a strong argument, which would come before the Planning Commission.

Mayor Talbot opened the Public Hearing at 7:23 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing at 7:24 p.m.

Councilwoman **Rebecca Wayment** said it is good to get guidelines on the number of stories and how high things can be. Besides the Stack property, which mostly abuts I-15, she asked what other properties do so.

Petersen answered that three other properties abuts I-15 including the Utah Transit Authority (UTA) parcel, the Rich Haws Project Master Plan (PMP), and the Boyce property. The City does not want short buildings there, and he is looking for ways to give the Council more oversight as projects come in. It is a good time to tweak this when nothing is in front of the Council for consideration.

Beus said this agenda item gave him pause when the assisted living and senior housing was recommended to be taken out.

Motion:

Beus moved that the City Council approve the enabling ordinance amending Table 18.3 in section 11-18-050 of the Zoning Ordinance and the building height table in Section 11-18-060, including Findings 1-3 as outlined in the Staff Report.

Findings 1-3:

1. The amendments are consistent with the Farmington City General Plan.

2. Most of the area north (and south) of Shepard Creek, west of the Union Pacific (UP) tracks, east of the Denver and Rio Grande Western Rail Trail (D&RGW Trail), and south of Shepard Lane (approximately 260 acres) is identified as CA/BP (Class A Business Park) or TMU (Transportation Mixed Use) on the Farmington City General Plan, and is, or will likely be, zoned OMU and/or TMU. The majority of the Project Master Plans (PMPs) in the CA/BP and TMU areas do not show residential facilities for people with disabilities, assisted living facilities, and residential facilities for the elderly, but they do show taller buildings in close proximity to I-15.
3. The purpose of this amendment is to make consistent the text of the underlying zone with most of the specific PMPs approved by the City.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote. Councilman **Brett Anderson** was excused.

Appeal – Modification of Conditions of Approval for Special Exception

City Planner **Shannon Hansell** presented this agenda item. Back in 2014, the Planning Commission approved a special exception for an adaptive reuse of a U-Haul dealership in the Business Residential (BR) Zone. It was a repair shop on Main Street, with a reuse as a U-Haul facility. An adaptive reuse enables an owner of an historic building in the BR Zone to apply for commercial use not listed therein if the building is eligible for the National Register of Historic Places. Specifically, some uses allowed in the Commercial (C) Zone as either a permitted or conditional use but not in the BR Zone may be considered for said zone as a special exception if the owner meets the historic preservation eligibility criteria for his building and some area requirements.

At the time of approval, the Planning Commission included a condition stating: “The rear yard must be screened from both Main Street and from 100 North through the use of a historically compatible fence.”

On or around February 3, 2021, code enforcement issued a notice of violation to the applicant, citing the condition of approval quoted above. The fence was not there. The applicant, **Craig Holmes**, responded to the notice on February 25, 2021, stating several prior issues with the fence’s durability during windstorms, which frequently damaged the fence screening the rear yard. Solutions were not satisfactory or excelled the original screening, and often encroached into useable space of the property. As a result, the applicant requested that the Commission modify or remove the condition of approval from the original special exception. The Commission removed the condition on March 18, 2021. At that time, the Commission proposed enhanced landscaping to shield Main Street from the U-Haul storage area.

The City received a letter of appeal on April 2, 2021, 15 days later, from Assistant City Manager/Economic Development Director **Brigham Mellor** concerning the Planning Commission's decision. **Mellor** stated that the decision was not, in fact, consistent with the BR Zone and adjacent zones, as well as the City's adaptive reuse policies and standards, which were key in the original decision to grant approval for **Holmes'** U-Haul business. As a key component of the original adaptive reuse, **Mellor** appeals the City Council to reinstate the fence requirement.

Applicant **Craig Holmes** (97 N. Main, Farmington, Utah) addressed the Council. He said he seldom has more than two or three U-Hauls on his property. Right now one truck is parked out front. He said over the years, he has had three different gates, all of which have been removed after being damaged from wind storms. He lived in Farmington for 20 years, then West Kaysville afterward. He tries to keep his equipment behind the gate line out of respect for his neighbors. While he is grateful the City allowed him to do the U-Haul business nine years ago, he doesn't understand why other businesses such as the car repair shop across the street doesn't have the same restrictions. They have tires stacked up and cars parked out front. Also, a welding shop always has big equipment parked out front, and they don't seem to have a problem. The School District has cars and trucks parked in a parking lot not behind a fence or gate. Davis County has a section in a parking lot with 20 cars, vans, trucks, and flatbed trailers that are not behind or in a back yard or gated fence. His 6 foot gate does not completely block view of the 12-foot tall U-Haul trucks. He would be much happier putting in a visual barrier such as a fence or shrubbery, as suggested recently by the Planning Commission.

Mellor addressed the Council, noting the concessions made eight years ago allowing the U-Hauls. Since the City Council had input the last time around, he wanted to make sure the Council had input again this time around. **Holmes** participated in some renovations on the outside of the building paid for with a past grant.

Mayor Talbot said he remembers this item from the past, that it was a heated discussion, and that the fence was a big item. The reasons other companies don't have the same restrictions is because they haven't changed or added to their business, as **Holmes** has. **Holmes** added a new business to the downtown area that was not previously part of the downtown ordinance. The fence was a condition to get his business downtown. It is not just for the neighbors, but for the motorists and pedestrians going south on Main Street. People were passionate about the change in the downtown area ordinance. The fence is chain link with slats to block the view. It is a tight fit with a home close to the west. The past Council didn't want it to look cluttered.

Wayment said she was on the Planning Commission when this item came through years ago. This was changing the business that he had been historically doing. It wasn't going to be one car getting its windshield done anymore. They wanted to make sure that the new business was not obtrusive to the neighborhood, and it was not obvious that his business had changed. They didn't want creep and wanted to maintain the look and feel of what had been there historically. The fence was supposed to be historic looking and fit in with the surrounding neighborhood.

Beus said this gives him heartburn because he can see both sides of the issue. He is glad to hear the history of this issue. The building looks great and he is glad **Holmes** participated in the grant program. This is a unique situation, and he can see the desire to protect the character of Main Street.

Isaacson said he, too, can see both sides of the issue. He is not certain a chain link fence with slats is more attractive than seeing the trucks. **Holmes** applied for a change in use, which was given with a change in conditions. The only thing that has changed since is that the fence keeps getting knocked down in the wind. Unless there is a good reason to vary from the set rules, the Council should honor those rules.

Mayor Talbot asked if all the money he secured from the County to be spent in the downtown area had been spent. **Petersen** responded that it had all been spoken for. **Talbot** suggested that the City help the applicant fund a different style of fence with a more historic look. He wants the Staff to get together with the applicant to discuss funding options. **Mellor** said it was likely the City could find resources to help that happen.

Councilwoman **Amy Shumway** said she liked the idea of going the landscaping route, as suggested recently by the Planning Commission. She said a chain link fence is not historically pleasing.

Holmes said when he obtained the property, it had a chain link fence spanning 30 feet. He is not sure what kind of fence was there 60 to 70 years ago. He noted that historically, the third bay in his building was a car wash with vacuums and a place to stop and dry off the car. He needs access to all 30 feet that the gate spans. If it is narrowed, it is difficult to park equipment behind the fence. Any other option would limit his usable space even more.

Wayment said she still feels it needs a fence, as it would look better screened. She would like the applicant to look into something more durable that would look compatible with the downtown area.

Mayor Talbot opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Motion:

Shumway moved that the City Council approve the appeal of the conditions of approval for a special exception, thereby reinstating the condition to fence the **Craig Holmes** U-Haul business; subject to all applicable Farmington City ordinances and development standards with Findings 1-2 in the Staff Report.

Findings 1-2:

1. The decision to remove the condition is not consistent with the Business Residential (BR) zone, and therefore not consistent with the General Plan.
2. The removal of the condition of approval by the Planning Commission on March 18, 2021, is not consistent with the 2014 Planning Commission decision.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote. Anderson was excused. **Shumway** said it is up to the applicant to work with Staff for money for the fence.

Ordinance Amending Zone Text – Accessory Buildings Allowed in a Reduced Rear Yard Setback & Site Plan Review for Permitted Uses

City Planner **Meagan Booth** presented this agenda item. Farmington City, applicant, is proposing to remove the accessory buildings not being allowed in a reduced rear yard provision from the zoning ordinance. As it is now, this prevents even a shed in the rear setback. The 25 percent lot coverage will limit the size of any building in a rear yard, and **Booth** said she is comfortable with that.

Booth said the Site Plan Review for permitted uses is proposed to be removed. It allows for the City Staff to review for permitted uses, with the Planning Commission able to review in order to resolve conflict or interpretation questions upon request of the applicant. The noticing requirement is being removed because it is already covered with the existing process. Since this has worked well in the Mixed Use Zones, it should work well for Site Plan Reviews as well.

Petersen said since 2008, City Staff has been reviewing other permitted uses. This will cut down on the length of the Planning Commission's future agendas.

Mayor Talbot opened the Public Hearing at 8:07 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Isaacson suggested a drafting correction. There are two conditions followed by a sentence, which is not a condition. **Booth** and **Petersen** agreed, and **Booth** said she would make that correction.

Motion:

Isaacson moved that the City Council approve the enabling ordinance amending sections 11-28-050 E and 11-7-040 E and F of the Zoning Ordinance with Findings a-b outlined in the Staff Report, with the change discussed in section F.

Findings a-b:

- a) The change to the ordinance provides that accessory building standards in a reduced rear yard are similar to the standards in other setback areas found elsewhere in the code.
- b) The amendment allows the City Planner to review applications for all permitted uses not reviewed by the Planning Commission. This existing process has worked well in the mixed use zones for a number of years.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

NEW BUSINESS:

Ordinance Amending Section 3-4-010 of the Farmington City Code regarding Human Resources

City Manager **Shane Pace** presented this agenda item. For a long time, the City Manager was also the Human Resource Manager. Several months ago, **Holly Gadd** moved into the HR Manager position full time. This would amend the ordinance to reflect that change.

Motion:

Wayment moved that the City Council approve the ordinance amending Section 3-4-010 of the Farmington City Code.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

Consider Approval of Agreement with Farmington Bay Contractors to Use 950 North as an Access to the West Davis Corridor (WDC)

City Engineer **Chad Boshell** presented this agenda item. Farmington Bay Contractors (FBC) has approached the City requesting permission to use 950 North as an access to the WDC to haul in material for the road and bridge construction. The route will begin at the exit of Highway 89 and Shepard Lane, then go west, where it will go through the future re-routed alignment of Shepard Lane into the future business park. The route will then cross the D&RGW Trail and proceed west on 950 North. If approved by the City, FBC will clear, grub, excavate to subgrade, and install subgrade material for the future 950 North road, giving the City a savings of approximately \$500,000. Staff recommends approving this contract.

Farmington and Kaysville have been working with their respective attorneys to draft an agreement, and the one on hand today was drafted by City Attorney **Todd Godfrey**. **Boshell** would like a few things added. On Page 1 of the agreement, paragraph 2, he would like a sentence added that FBC will need to obtain a haul route permit from the City. It would give the City more teeth to reject their use if they are violating their agreement. In paragraph 3, second to the last line, he would like added “and the current city-approved cross section and drawing for 950 North.” They suggested a different cross section and they were just going to go with it. It is fast and it is hard to keep up with them. This is to force them to use the City’s cross section. If they want an alternative, they have to provide something acceptable.

Mayor Talbot said it would be a tremendous cost savings to the City to let the contractor do quite a bit of road-building.

Boshell said the experience with FBC the last few weeks has not been pleasant, so he wants more teeth in the agreement. FBC is not aware of the additions yet, although they are aware that the City is not happy with their cross section language. Kaysville will be adding language similar to Farmington’s in their meeting tonight as well.

Shumway asked about truck crossing signage on the rail trail. **Boshell** said they will probably flag the rail trail. That can be enhanced in the haul route permit, which the City can add quite a bit to. In one day, he saw seven large vehicles dumping.

Wayment is worried about truck hauling during school drop-off on Glovers Lane, and wondered if work time can be limited during school drop-off times. **Isaacson** said they are at 1100 and Glover’s every morning. **Boshell** said they will eventually stop using the Glovers Lane portion, and will start using 1525 West and Park Lane.

Isaacson said he wants to know who FBC is, and if the City has the right party signing the contract to be bound by the contract. FBC is a joint venture, but is it a legal entity? If the joint venture is dissolved, he wants to be able to find someone to honor the warranty. He wants due diligence done to see that this is a real entity. **Pace** said it is a bonded legal entity made up of Ames, Wadsworth, and Staker Parson. **Boshell** said FBC is bidding on other projects, so they are up and running. **Mayor Talbot** said this could be made subject to FBC providing documentation of their joint venture for City records. **Mark Bell** (filling in for City Attorney **Todd Godfrey**) suggested that that be made part of the motion on the record. **Beus** said he looked on the state registration website, and FBC has a registered agent and is registered as a joint venture.

Motion:

Isaacson moved that the City Council approve the contract with Farmington Bay Contractors (FBC) to use 950 North as an access route to the West Davis Corridor (WDC), incorporating the changes to the contract discussed by Staff and Council during the discussion period, and subject to obtaining documents detailing the legal structure and responsibility of the FBC joint venture.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

Mayor Talbot said the savings to the City are sizable, and it is good to get roads built while saving the citizens money.

Fiscal Year 2022 Adoption of Tentative Budget and Setting the Public Hearing for June 15, 2021

Finance Director **Greg Davis** presented this agenda item. He is asking the Council to adopt the figures presented tonight as tentative budgets.

One of the major issues with next year's budget is that sales tax performed better than anticipated. This allowed the City to address some needed critical issues. The budget had been prepared for a depressed market, which ended up performing better than anticipated. \$2.2 million will come from the CARES Act funding, some of which will be applied to last year's budget. However, a majority will be applied to this current fiscal year. This will help prop up the General Fund and free up some other funds to address other issues.

Next fiscal year, the paramedic program will be added. It will be considered a tax transfer from the County to Farmington City and be an improvement and service level increase. The recommended budget has partial funding coming from the transfer of \$225,000 worth of taxes

that were going to the County and will now be going to Farmington City. The six full-time paramedic positions will cost \$566,000. The Council will need to address the difference. The recommended budget gives an option to bring property taxes that are going to the Station Park RDA and move those to the General Fund to help cover the paramedic costs.

Davis said in coming weeks, the Council and Staff will be discussing department budgets in greater detail. On May 18, the Parks and Recreation Department is scheduled to present their budget. It is requested that the work session start at 4 p.m. instead of 6 p.m., as there is a lot to discuss. He will make himself available to the Council members who desire more detail.

The final figures with any Council adjustments will be presented June 15. Public hearings and formal adoption must pass by June 30, as required by state law. If required, a Truth in Taxation to change certified tax rates must be held in August.

The major issues in the budget are the paramedic program being initially added, sales tax revenue, CARES funding, and \$2.8 million in American Rescue Plan (ARP) federal funding. Half, or \$1.4 million, will come to Farmington this month and is not in the budget. If it does come in, it will be included in a budget amendment in June. It is recommended these funds be placed in the water fund to address water infrastructure, which is an allowed use of those funds.

Also, there is a payroll budget increase in the general and enterprise operating funds for employee raises to address merit and career ladders, and to stay competitive. Human Resource Manager **Holly Gadd** will present some of those payroll and market figures in an upcoming work session. Wage rate increases need to be addressed to get a seasonal referee and officiate.

Davis also said the budget will try to address some large deferred maintenance and equipment, such as the large half million dollar fire apparatus with a failed engine. Another is a vehicle that had a transmission blow as the mechanic was driving it to the repair shop. It damaged four other vehicles on the freeway when the transmission blew. The City has multiple vehicles and pieces of equipment that are well past their useful lives and are becoming too unreliable. HVAC, hot water boiler and furnace failures in City buildings need to be addressed. As such there are \$1.4 million allocated in capital replacement budgets, which is more than usual. A rate increase for the water fund will continue as planned.

The City was allowed up to 25 percent fund balance per state law, but the State Legislature increased that to 35 percent in the recent session. The budget includes a build-up of the fund balance, but not all the way to the 35 percent level because of the necessary capital and equipment replacement. It is projected to be about 30 percent.

After temporarily discontinuing Festival Days in 2020, Festival Days will be back in 2021 and will need additional budget to carry it out. Swimming pool revenues were and continue to be impacted by the pandemic.

Mayor Talbot said he would like to keep the fund balance as high as possible. Sales tax revenues have been big at Station Park, and the City's good planning years ago helped ensure this. Other cities are struggling.

Shumway asked if more equipment or space is needed for the paramedics. **Pace** noted that the budget included funds to increase the number of bedrooms in the fire station. Funds for a new vehicle will come from the ambulance fund. Because the current fire station has six bays, it can still handle more future equipment.

Motion:

Isaacson moved to approve the resolution adopting the Fiscal Year 2022 (FY22) tentative budget as presented, including the June 15 hearing.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

REDEVELOPMENT AGENCY MEETING

Motion:

Councilman **Beus** made the motion to adjourn to the Redevelopment Agency (RDA) Meeting. The motion was seconded by Councilwoman **Shumway**, which was unanimously approved.

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 8:54 p.m. Roll call established that **Shumway**, **Beus**, **Wayment**, and **Isaacson** were present. **Anderson** was excused.

Fiscal Year 2022 Adoption of Tentative Budget

Motion:

Wayment moved to approve the tentative recommend budget for Fiscal Year 2022.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

Return the Arena Tax Increment Funds Collected at Station Park

Mellor presented this agenda item. In 2019, the Station Park RDA Taxing Entity Committee (TEC) met to allow the RDA to collect Tax Increment for one additional year after the \$18.5 million cap had been reached (established in 2007 when the RDA was formed). That allowed the agency to collect \$4 million to be used specifically toward funding of a 5,000-seat arena. That site will be sold to Brighton Homes and will be The Bri residential community.

Farmington had the Stars (NBA G-league team) on the hook. They wanted a location at Station Park near the roundabout. Since 2019, a lot has happened: The Jazz and consequently the Stars have been sold, and gone with it is the prospect of landing the team in Farmington for the foreseeable future. They are now under new ownership. There has been a pandemic that has essentially eviscerated the demand for an arena in the form originally planned. Demand has dissipated. Station Park has shown no interest in pursuing that development opportunity any longer. Davis County is looking to renovate the Legacy Events Center (LEC) property, which will pick up what market demand there is for “an arena” after the pandemic. They have been in talks with the Jazz on that front. The County would leverage the assets and revenue streams they have, which removes much of the risk associated with a venture like this, as it will be a public facility and less susceptible to market conditions.

In December, the RDA agreed to proceed with the creation of Community Reinvestment Project Area (CRA) 3 (on the Boyer project). As those negotiations proceed, the City will greatly increase the success of discussion if, from the outset, the money being held from the taxing entities on the Station Park RDA is turned over.

There is no way for the City to legally spend this money anymore. Ground would need to be broken on an arena project located at the site of The Bri before next May, ground which CenterCal will not own in a few weeks from now. Construction documents for an arena like that would have had to begun design over 12 months ago or more, and they would have to be well on to the entitlement and site plan by this point to meet that May 2022 deadline.

The City now has the opportunity to turn \$2.8 million in Tax Increment Financing (TIF) into \$24 million through CRA 3. The other entities want this money back, especially the School District. As the pandemic has hit each, the funds are needed to fulfill their chartered service objectives. Davis County would contribute their money to an arena in an interlocal agreement. The Boyer Company plans to move forward, but can’t be competitive against Stack and McCandless without some tax increment in play. **Mellor** said Farmington wants healthy competition in the business park. The timing is good to give this money back as talks about CRA 3 move forward.

Tax redistribution would be as follows: Davis County School District, \$2,665,974; Weber Basin Water, \$54,660; Davis County Mosquito Abatement, \$39,979; and Central Davis Sewer District, \$59,630.

Mellor said money will continue to flow into the RDA unless there is a tax transfer or the RDA is shut down. While that will happen someday, it is premature to do that now, especially with needs for paramedics, police and road maintenance. The best place for an arena is the fairgrounds, and that could happen. While the County is aware of Farmington's plans with this money and that it is on tonight's agenda, the other taxing entities are not.

Mayor Talbot said the Jazz loves Farmington and he would not be surprised if they approach the City again sometime in the future. There may be some things that move them to the County area. He wants a good relationship with the School District, and this is going to get their attention.

Beus said he was disappointed to lose this dream, but there is no other option.

Motion:

Beus moved that the Staff prepare as part of the final FY 2021 budget an amendment to include returning to each of the participating taxing entities their portion of the \$4 million set aside for the Stars Arena.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

Resolution for Acquisition of Utah Department of Transportation (UDOT) Reversionary Interest at the Frontrunner Station Parking Lot

Mellor presented this agenda item. In 2009, when UDOT turned the parking lot at the Farmington Frontrunner station over to the Utah Transit Authority (UTA) for free, they retained an interest called out in the Quit Claim Deed that states that should the land ever be used for something other than a parking lot, ownership reverts back to UDOT. Previously, UDOT got it from CenterCal for highway construction. This has prevented any development from ever coming to fruition on that parking lot. Presently it is impeding the development of Station Parks' The Bri of Brighton Homes. This is because the construction staging area for safety reasons needs to be located on a portion of the parking lot.

In addition, there is a sewer easement that needs to be resolved that would cross along the northern edge of the same parking lot. Both of these circumstances have been flagged as a violation of the reversionary clause in the deed held by UDOT.

Understandably, Farmington is trying to help resolve this. If the easement and temporary staging area can hold up adjacent development, this reversionary clause poses problems for not only the development of the parking lot, but realistically the location of the remote hub that feeds into the business park.

UDOT needs something from the City. Some of the land sold by Farmington to UDOT two months ago along the frontage road (adjacent to Tuscany Village PUD) has both a conservation and drainage easement. UDOT has valued those easements as worthless, and Farmington disagrees. However, UDOT needs the easements and is working through condemnation. The intent of the resolution is to offer these easements for the reversionary interest on the parking lot. Farmington will not own the land, but will, however, own some interest in the property, thus having more say in development of the land than merely the zoning entitled on the property now, which is TMU. This resolution is non-binding. In addition, if the exchange is made, it will affect only the conservation easements at Tuscany Village. It has no bearing on the West Farmington easements at Ranches, Meadows, and Hunters Creek.

Mellor said **Eric Isom**, the City's lobbyist, has been in contact with **Beth Holbrook**, a UTA commissioner who represents the north end of the valley, and Representative **Mike Shultz**. UDOT is being very unreasonable and has their best, very strict bureaucrat on it. Farmington wants the deed restriction, and UDOT is to get the conservation easement. **Shultz** is not only a State Legislator, but also a developer who wants to see this land developed. This would be a good area to address affordable housing, as it is close to transit and a grocery store. Commercial office may be able to fit in there as well. Station Park's main focus is getting easements across this property, which may take six months or more. They can't occupy buildings until easements get resolved. UTA is not aware of this yet.

Mellor wants to get all the attorneys in the room and make a deal with the developer. He said UDOT can charge a lease, as they own the ground. They proposed a \$9,000 monthly lease. The deed restriction has made this land worthless. The fastest this can be resolved for CenterCal is six months, unless Farmington takes control of the deed restriction.

Mellor said another option is to pursue another way of getting sewage out of this site, which is not super easy. The RDA has more flexibility of what it can do with land and development rights in a development area. In the end, the RDA will be the owner of the reversionary interest for the

benefit of the City. A developer may be able to build a parking structure, not just for nearby residential units, but also for the people coming to ride the train.

Isom addressed the Council, saying **Shultz** has been involved in transportation efforts and the transportation task force. He agrees this project encompasses what the legislature is trying to do: economic development and affordable housing.

Tonight the City Council can approve a nonbinding resolution that will send a signal to UDOT that Farmington is serious about acquiring the deed restriction. It does not specify a price or guarantee a trade will take place.

Isaacson said the immediate problem is that The Bri needs this space and UDOT is saying they can't use it for that. He agrees that UDOT is being unreasonable. **Mayor Talbot** said it is unfortunate that Farmington has to jump in. **Beus** said this is a creative solution to private-public partnership, and worth it for affordable housing.

Motion:

Beus moved that the Farmington RDA approve the resolution for the intent of acquiring the Reversionary Interest on the Frontrunner Station parking lot.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

Motion:

Wayment made a motion to adjourn and reconvene to an open City Council meeting at 9:30 p.m. The motion was seconded by **Isaacson**, which was unanimously approved. **Anderson** was excused.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including approval of minutes from March 16, 2021. **Shumway** suggested the minutes be corrected so that only she and **Isaacson** be on the art council, so it does not include a quorum with **Beus**.

Motion:

Shumway moved to approve the Summary Action list items as noted in the staff report.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote. **Anderson** was excused.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Building Activity Report for March and Fire Department Activity Report for March. He mentioned the UDOT groundbreaking on May 26 for the West Davis Highway at 650 West. Senate President **Stuart Adams**, Speaker of the House **Brad Wilson**, and mayors from all cities affected will be there. He noted the irony of the location of the groundbreaking.

He received a letter from the County regarding polling locations. City Recorder **Heidi Bouck** said it was notice that the County wants the City to approve the polling location and vote centers, including the drive-up facility. She will put it on the agenda before the 13th to be ratified at the next meeting. The Council all gave a thumbs up, although **Anderson** was excused.

Mayor Talbot and City Council Reports

Beus said he attended a housing committee meeting, and a draft with language for an ordinance will be coming soon.

Wayment is concerned with heavy trucks hauling through school zones during school times. **Mayor Talbot** said this should be addressed, although he is not sure how cooperative the trucking company will be.

Shumway said the trail maps are moving along, and she will note that they have been requested for Festival Days.

Mayor Talbot said it was nice that four of the five Council members went to St. George for the Utah League of Cities and Towns Conference. It was time well spent.

He said that after meeting with City Parks and Recreation Director **Neil Miller** and **Pace**, he is proud to announce that the City will move forward with Festival Days. It will be shortened and some events will be eliminated, such as the Movie in the Park on Monday and motorcycle ride on Friday. As the City changes, so do some of the residents' interest.

Tuesday there will be pickleball tournament, which is anticipated to be a three-day event. Also there will be a 3-on-3 basketball tournament inside in the gym. Wednesday and Thursday the pickleball tournament will continue. There will also be a fourplex softball tournament. He encouraged the Councilmembers to attend Festival Days.

Saturday will be a full day. There will be 5-10 K races. At 7 a.m. City Council members will serve the breakfast carefully with gloves. At 10 a.m. the parade will need a fire truck for the Council to ride on. There will be flatbeds for baseball and dance teams. Taffy and tootsie rolls will be thrown only as low projectiles. Food booths and retail will run until 4 p.m. There will be entertainment in the park. From 4-6:30 p.m., there will be no activities, but participants can get food from the food trucks. There will be an ice cream give away and a covered band for an hour. "Imagine," a Beatles band, will be the main source of entertainment for two hours from 8-10 p.m. Fireworks at 10 p.m. will conclude the event.

Mayor Talbot said that he and **Pace** met with **Senator Adams** and **Carlos Braceras**, head of UDOT, in four-person, 30-minute meeting at Adams' location. **Talbot** ran into **Adams** while on vacation in Hawaii and told him how frustrated he was with UDOT negotiations regarding conservation easements. This meeting was later organized. At the end of the year, **Talbot** will step down as Farmington's mayor, and he wanted someone else in the meeting in case this doesn't get resolved soon. **Braceras** was not happy he was not able to bring anyone else in the meeting. After some emotional conversation, what resulted was:

- a) get the appraisers together to come to an agreement in order to use criteria to work on what the damages have been. Both UDOT and Farmington called their attorneys, who agreed to this.
- b) **Braceras** would make every effort to get this done before the end of the year.

Mayor Talbot said the two parties are night and day apart on damages. A lot of work still needs to be done, and the meeting was tense and difficult for a while. The City needs it done, and the residents need it done. He and **Pace** were both pleased at the outcome. **Talbot** said the parties weren't getting anywhere with more people, so this meeting was with fewer people. The attorneys and appraisers need to get involved next.

CLOSED SESSION

Physically present in Council Chambers:

*Mayor Jim Talbot,
City Manager Shane Pace,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
Recording Secretary Deanne Chaston,*

*Community Development Director Dave Petersen,
Assistant City Manager/Economic Development Director Brigham Mellor,
Finance Director Greg Davis, and
Mark Bell (filling in for City Attorney Todd Godfrey).*

Motion:

At 9:53 p.m., Councilwoman **Rebecca Wayment** made the motion to go into a closed meeting for the purpose of property acquisition. Councilwoman **Amy Shumway** seconded the motion, which was unanimously approved. Councilman **Brett Anderson** was excused.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Jim Talbot, Mayor

Motion:

At 10:14 p.m., **Wayment** made a motion to reconvene to an open meeting. The motion was seconded by **Shumway**, which was unanimously approved.

ADJOURNMENT

Motion:

Councilman **Shawn Beus** made a motion to adjourn the meeting. Councilman **Scott Isaacson** seconded the motion, which was unanimously approved.

Heidi Bouck, Recorder